

Appl. No. 09/800,070  
Reply to Final Office Action mailed March 26, 2003

Atty Dkt. No: WM 252.00  
BBL No.: 113961-023

**DRAFT – FOR DISCUSSION PURPOSES ONLY**

- 9 -

**REMARKS**

This is a reply to the Final Office Action mailed March 26, 2003, with a shortened statutory response period of three (3) months from the mailing date. As this reply is filed before June 26, 2003, it is timely filed. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Applicant respectfully requests reconsideration and allowance of the pending claims in view of the above Amendments and Remarks below.

A. Status of the Application

Claims 36-84 are pending. The claims have been amended to recite that the fibrin material is self-supported and stretched along its longitudinal axis. Support for the amendments may be found in the Specification on pages 35-46 and in the Figures, thus no new matter has been entered. Applicant submits that the present amendments overcome all the prior rejections for the reasons set forth in detail below.

B. Rejection Under 35 U.S.C. §102(b)

Claims 37-40, 44-45, 48-50, 52, 56-58, 62-64, 66-69, 72, 75, 77-79, 81-84 were rejected under 35 U.S.C. §102(b) as being anticipated by *Sawamoto et al.* (US 5,298,255). Moreover, the Examiner also rejected claims 37-40, 44, 48-50, 52, 56-58, 62-69, 72-84 as being anticipated by either *Dinh et al.* (US 5,510,077) or *Dinh* (US 5,591,227).

Independent claims 37, 57, and 78 are directed to a self-supported fibrin material which is stretched along its longitudinal axis and a method for making the same. Applicant respectfully submits that each of the cited references fail to teach or arguably suggest a number of the features of the claimed invention either alone or in combination.

1. *Sawamoto et al.* Does Not Anticipate the Present Invention

*Sawamoto et al.* does not disclose or suggest the present invention, and indeed discloses a fibrin material that is far different from the claimed invention. More specifically, *Sawamoto et al.* merely relates to antithrombic stents which include forming a fibrin layer on a substrate which is made of a polymer material. *Sawamoto et al.* does not disclose or suggest a self-

Appl. No. 09/800,070  
Reply to Final Office Action mailed March 26, 2003

Att. Dkt. No: WM 252.00  
BBL No.: 113961-023

**DRAFT – FOR DISCUSSION PURPOSES ONLY**

- 10 -

supported fibrin material which is stretched along its longitudinal axis. Indeed, the only stretching disclosed in *Sawamoto et al.* relates to the polymer material—the substrate itself—not the fibrin layer. See Col. 4, lines 62-64 and Col. 13, lines 59-60. There is nothing to suggest that the fibrin material itself is stretched or that the fibrin material is self-supported. Indeed, the requirement that the fibrin material be attached to a polymer substrate actually teaches away from the present invention, where the fibrin material is self-supported. Accordingly, Applicant submits that all claims are clearly patentable over *Sawamoto et al.*

comprising  
layer

2. *Dinh et al.* or *Dinh* Do Not Anticipate the Present Invention

The Examiner further rejected original claims 37-40, 44, 48-50, 52, 56-58, 62-69, 72-84 as being clearly anticipated by *Dinh et al.* (US 5,510,077) or *Dinh* (US 5,591,227). Applicant respectfully submits neither of these references disclose or suggest the present invention.

The fibrin stents disclosed in *Dinh* are clearly not self-supported and stretched in a longitudinal direction. Rather, *Dinh* discloses that a fibrin-containing stent can be longitudinally stretched. See the '227 Patent at Col. 9, lines 18-21. As the fibrin material includes a metal stent portion, it clearly is not self-supported when it is being stretched longitudinally. Furthermore, the stretching that is being performed by the balloon of *Dinh* is radial and not along the *No* longitudinal axis of the fibrin material. Once again, insofar as *Dinh* includes a metal stent it clearly teaches a way from the present invention where there is no such supporting member. Accordingly, Applicant submits that claims 37-40, 44, 48-50, 52, 56-58, 62-69, 72-84 are clearly patentable over both *Dinh* references.

C. Rejection Under 35 U.S.C. §103(a)

Claims 37-84 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Sawamoto et al.* (US 2,398,255), or *Dinh et al.* (US 5,510,077), or *Dinh* (US 5,591,227). Applicant respectfully traverses this rejection and requests withdrawal of the same.

As discussed in more detail above, the fibrin materials of the present invention are not disclosed or even remotely suggested by any of the cited references. In this regard, none of the cited references disclose or even remotely suggest fibrin materials that are self-supported and

Appl. No. 09/800,070  
Reply to Final Office Action mailed March 26, 2003

Any Dkt. No: WM 252.00  
BBL No.: 113961-023

**DRAFT – FOR DISCUSSION PURPOSES ONLY**

- 11 -

stretched along their longitudinal axis. Accordingly, Applicant submits that all pending claims are patentable over the art of record.

**CONCLUSION**

In view of the foregoing Amendments and Remarks, Applicant respectfully submits that claims 37-84 are patentable over the cited prior art, and are in condition for allowance.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

Date: June \_\_, 2003

BY

\_\_\_\_\_  
Joseph A. Fuchs, Reg. No. 34,604  
P.O. Box 1135  
Chicago, Illinois 60690-1135  
Phone: (312) 807-4335